

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BUSEY BANK,

Plaintiff,

v.

BENJA INCORPORATED, et al.,

Defendants.

Case No. 4:20-cv-01473-HEA

AFFIDAVIT OF RANDY SUE POLLOCK

I, Randy Sue Pollock, having been duly sworn, state as follows:

1. My name is Randy Sue Pollock, I am over twenty-one (21) years of age, and I have personal knowledge of the matters set forth in this Affidavit, except where otherwise stated.

2. I am an attorney with more than 30 years of experience. I specialize in criminal law, practicing at the Law Offices of Randy Sue Pollock, which is located at 286 Santa Clara Ave., Oakland, CA 94610. I am a member of the California Bar, and I am admitted to practice in the California federal courts.

3. I represent Andrew Chapin ("**Chapin**") in *U.S. v. Chapin*, Case No. 3:20-mj-71712, pending in the United States District Court for the Northern District of California ("**Criminal Case**") and in *SEC v. Benja Inc., et al.*, Case No. 3:20-cv-08238, pending in the United States District Court for the Northern District of California.

4. I am aware of this civil case in which Chapin is a defendant, *Busey Bank v. Benja Inc., et al.*, Case No. 4:20-cv-01473-HEA, pending in the United States District Court for the Eastern District of Missouri ("**Civil Case**").

5. The Criminal Case and the Civil Case arise out of the same facts, and while not exactly mirror causes of action, involve nearly identical issues and witnesses.

6. Chapin cannot and will not file an answer admitting or denying any allegations in the Civil Case because he cannot do so without impacting the allegations in the Criminal Case.

7. Chapin is unable to answer or participate in any way in the Civil Case—he cannot selectively invoke his Fifth Amendment privilege because the Criminal Case overlaps the Civil Case completely, rendering the effective defense of both cases impossible.

FURTHER AFFIANT SAYETH NAUGHT.

Randy Sue Pollock
RANDY SUE POLLOCK

STATE OF CALIFORNIA)
) SS.
COUNTY OF ALAMEDA)

On this 3 day of December, 2020, before me personally appeared RANDY SUE POLLOCK, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office on the day and year written above.

R.B.
Notary Public

My Commission Expires: 04/02/2022

